

EXHIBIT “A”

204

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY
ORGANIZATION, ET AL.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL,
INC. ET AL.,

Defendants.

Hon. Dennis M. Cavanaugh

ORDER OF CONSOLIDATION

Civil Action No. 95-2097(DMC)

FILED

SEP 5 2001

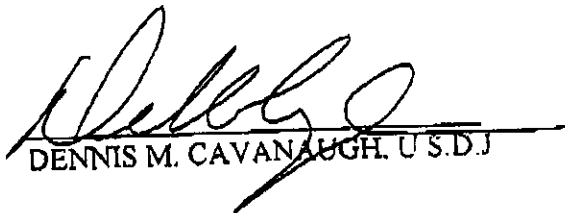
AT 8:30
WILLIAM T. WALSH
CLERK

DENNIS M. CAVANAUGH, U.S. District Judge

This matter comes before the Court on Plaintiffs' motion to consolidate the instant action with Hackensack Riverkeeper, Inc. and William Sheehan v. Honeywell International, Inc. et al. Civil Action No. 00-1451(JAG) pursuant to Local Civil Rule 42.1, and the Court having reviewed the papers in support of this motion and opposition thereto, and for good cause shown,

IT IS on this 31st DAY of AUGUST, 2001;

ORDERED that this action is consolidated with Civil Action No. 00-1451(JAG).


DENNIS M. CAVANAUGH, U.S.D.J.

Original: Clerk
Copies: All counsel of record
File

ENTERED

ON
THE DOCKET

SEP 5 2001

WILLIAM T. WALSH, CLERK

By _____
(Deputy Clerk)

EXHIBIT “B”

Wallace
King
Marraro
Branson

WALLACE KING MARRARO & BRANSON, PLLC
1050 THOMAS JEFFERSON STREET, N.W.
WASHINGTON, DC 20007
Phone 202.204.1000
Fax 202.204.1001

CHRISTOPHER H. MARRARO
Direct Dial 202.204.3720
cmarraro@wallaceking.com

May 26, 2000

Via Federal Express

Hon. Joseph A. Greenaway, Jr., U.S.D.J.
Martin Luther King, Jr. Federal Building
and Court House
50 Walnut Street, Room 4040
P.O. Box 999
Newark, NJ 07101-0999

**Re: *Interfaith Community Organization, et al. v. Honeywell International, Inc.*,
Civil Action No. 95-2097(JAG)**

Dear Judge Greenaway:

Please accept this letter brief on behalf of Defendants/Cross-Claimants W.R. Grace & Co., W.R. Grace Ltd. and ECARG, Inc. (collectively "Grace"), in reply to Honeywell International, Inc.'s ("Honeywell's") opposition to Plaintiff's Motion to Consolidate.

Honeywell argues, consolidation should be "denied for the simple reason that it will not, for these cases, create judicial efficiencies or save parties significant time and expense." (Honeywell's Opposition at p. 5) Honeywell argues further that "the case involves different defendants," and that "there is only one common question of law and fact, namely, whether the site in question is an imminent and substantial environmental danger under RCRA § 7002, and whether an injunction to abate is appropriate relief." (Honeywell's Opposition at p. 3)

Grace contends that Honeywell is wrong on these points and that the Motion for Consolidation should be granted because the over-arching issues in both cases involve the responsibility for the substantial pollution at the Route 440 site in Jersey City and the appropriate cleanup remedy. All parties in the case are focused on these two issues, and it makes no sense whatsoever to have separate proceedings when both cases involve the same allegations of pollution and the same issue of appropriate remedy for that pollution. Indeed, it is unfair to force Grace and the plaintiffs to litigate the very same issues in two separate proceedings.

Grace particularly takes issue with Honeywell's statement that "the case involves different defendants." (Honeywell's Opposition at p. 3) Honeywell's statement to this Court is incomplete. Honeywell is correct that the Grace defendants are not named presently as

Wallace
King
&
Marraro
Branson

Hon. Joseph A. Greenaway, Jr.
May 26, 2000
Page 2

defendants in the *Riverkeepers* complaint. However, counsel for Honeywell has informed Grace that should the claim proceed, Honeywell will attempt to bring Grace into the *Riverkeepers* action. Thus, Honeywell itself contemplates that all defendants in the *ICO* litigation will be defendants in the *Riverkeepers* litigation.

For the foregoing reasons, consolidation should be granted because the effect of granting the motion will be to create judicial efficiencies and save all parties significant time and expenses.

Respectfully submitted,

WALLACE KING MARRARO & BRANSON PLLC


By: Christopher H. Marraro

CHM/kdc

cc: All Counsel of Record